



PATENT
0508-1051

IN THE U.S. PATENT AND TRADEMARK OFFICE

In re application of:

Yvette LIENART et al.

Conf. 8604

Serial No. 10/018,884

Group 1623

Filed April 17, 2002

Examiner T. McIntosh III

USE OF GLYCURONIC POLYSACCHARIDES
AND OLIGOSACCHARIDES AS
PHYTOSANITARY PRODUCTS AND/OR FERTILISER

AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

December 23, 2004

Sir:

In response to the Official Action mailed July 23, 2003, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 4 of this paper.

anticipation is not sufficient. *Ex parte Skinner*, 2 USPQ2d 1788 (BPAI 1986). While the Official Action states that "if" KAISHA and ADACHI et al. had taken the necessary steps they would have uncovered the results disclosed in the present application, this is an insufficient basis for imposing a rejection based on inherency. Indeed, neither KAISHA nor ADACHI et al. actually take nor suggest the necessary steps to arrive at the claimed invention.

Thus, it cannot be stated that applicants' discovery is a discovery of differing effects of a prior art method. The prior art method is a method for accelerating the growth of plants, and the methods as claimed in the present invention are a method for the protection of plants against pathogens or predators, and the adaptation of plants to raised ozone levels, and a method for the control of abscission, growth of the pistil or maturation of the anthers, the control of organization of cell walls during expansion of the tissues and for reinforcing the plant cell walls and adapting them to environmental stimuli.

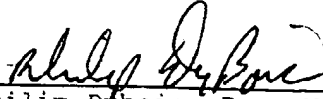
In view of the above, applicants believe that ADACHI et al. and KAISHA fail to disclose or suggest the claimed invention.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any

overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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